

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3460 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

and

MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed : YES  
to see the judgements? No
2. To be referred to the Reporter or not? No :
3. Whether Their Lordships wish to see the fair copy : YES  
of the judgement? No
4. Whether this case involves a substantial question : YES  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge?No :

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THAKOR KACHARAJI RAVTAJI DECD THRO HEIRS ARJANJI KACHARAJI

Versus

STATE OF GUJARAT  
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Appearance:

MR AMIT C NANAVATI for Petitioners

MR HL JANI, A.G.P. for Respondents  
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CORAM : MR.JUSTICE J.M.PANCHAL and

MR.JUSTICE R.P.DHOLAKIA

Date of decision: 07/07/1999

ORAL JUDGEMENT

(Per : Panchal, J.)

The grievance made by the petitioners in the present petition which is filed under Article 226 of the Constitution, is that though Mr. M.A.Chauhan, Deputy

Collector and Special Land Acquisition Officer, Land Acquisition and Rehabilitation, Dharoi, Vatrak and other projects, Himatnagar has made award under section 28A of the Land Acquisition Act, 1894 on January 30, 1997, the amount of compensation is not paid to the petitioners. Under the circumstances, the petitioners have prayed to direct the respondents to pay compensation to the petitioners in terms of the award dated January 30, 1997 made by the Deputy Collector and Special Land Acquisition Officer, Land Acquisition and Rehabilitation, Dharoi, Vatrak and other projects, Himatnagar in L.A.Q.-DP- 33/81-96 No.284/97.

Heard the learned Counsel for the parties. The fact that the respondent no.3 has made award on January 30, 1997 under section 28A of the Land Acquisition Act, 1894 is not in dispute. The said award is produced by the petitioners at Annexure-A to the petition. It is an admitted fact that though the award is rendered on January 30, 1997, the amount of compensation payable to the petitioners under the said award has not been paid. No reasons are assigned by any of the respondents as to why the amount of compensation payable to the petitioners under the said award has not been paid. Under the circumstances, we are of the opinion that appropriate direction deserves to be given to respondent No.3 to make payment to the petitioners in terms of award dated January 30, 1997 within reasonable time.

For the foregoing reasons, the petition succeeds. Respondent no.3 is hereby directed to make payment of compensation to the petitioners in terms of the award dated January 30, 1997 produced at Annexure-A to the petition as early as possible and preferably within three months from the date of production of this order. Rule is made absolute accordingly, with no order as to costs.

Office is directed to send copy of this order to respondent no.3 immediately. It shall also be open to the petitioners to produce certified copy of this order before respondent no.3 for necessary compliance.

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(patel)